

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOSEPH HAKIM & CATHY YACHOUH, )

Plaintiffs, )

v. )

BAY SALES CORPORATION, et al., )

Defendants. )

Civil Action No.: 06-6088 (JLL)

**ORDER**

**LINARES**, District Judge.

This matter comes before the Court on three motions: Defendants' Bay Sales Corporation ("Bay Sales") and Core Brands, Incorporated ("Core Brands") motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); Plaintiffs' cross motion to remand, and Defendant Mirna Hamade's ("Hamade") motion to dismiss the Complaint for lack of personal jurisdiction and insufficient service of process. No oral argument was heard. Fed. R. Civ. P. 78. For the reasons set forth in this Opinion,

**IT IS** on this 17<sup>th</sup> day of September, 2007,

**ORDERED** that Plaintiffs shall show cause on or before October 8, 2007 why this matter should not be dismissed as alleged against Defendants James Miller, Michael Resnick and Earl Weinstein for failure to serve process in accordance with Federal Rule of Civil Procedure 4(m); and it is further

**ORDERED** that Defendant Hamade's motion to dismiss the Complaint [Docket # 15] is GRANTED and the Complaint is DISMISSED WITH PREJUDICE as alleged against Defendant Hamade; and it is further

**ORDERED** that Plaintiffs' motion to remand [Docket # 5] is DENIED as moot; and it is further


**ORDERED** that Defendants' motion to dismiss or in the alternative, for a more definite statement [Docket # 3] is GRANTED IN PART and DENIED IN PART; and it is further

**ORDERED** that Plaintiffs shall file an Amended Complaint on or before October 8, 2007 which provides a more definite statement with respect to the factual allegations and related causes of actions as directed by this Court's accompanying Opinion; and it is further

**ORDERED** that failure to amend within the time provided shall result in dismissal of the Complaint and the file being closed; and it is further

**ORDERED** that the Clerk of the Court shall note on the docket that Plaintiffs no longer retain Peter Robert Bray, Esq. as counsel [Docket # 16] in this matter; and it is further

**ORDERED** that the Clerk of the Court shall send a copy of this Order and of the accompanying Opinion by United States Mail to the Plaintiffs at 16 South William Street, Bergenfield, New Jersey 07621.

  
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Jose L. Linares  
United States District Judge